

1 BILL NO. Z-88-05-03

2 ZONING MAP ORDINANCE NO. Z-Lash

3 AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-18.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is
7 hereby designated a R-3 (Multi-Family) District under the
8 terms of Chapter 33 of the Code of the City of Fort Wayne,
9 Indiana of 1974:

10 A part of Lot 9 in Centlivre Park, Plat Two, an
11 Addition to the City of Fort Wayne, Indiana, more
particularly described as follows:

12 Commencing at the southeast corner of Lot 9 in
13 Centlivre Park, Plat Two, as recorded in Plat Book 8,
14 page 63 in the Allen County Recorder's Office; thence
15 Westerly along the south line of said Lot 9 a distance
16 of 12.68 feet to an iron pin on the West right of way
17 line of North Clinton Street as now established; thence
18 Northeasterly along said right of way line on a curve
19 to the left having a radius of 5689.58 feet, an arc
20 length of 137.82 feet to the point of beginning, said
21 arc being subtended by a chord of 137.82 feet and
22 deflecting 92 degrees 00 minutes from the last
23 described line; thence from said point of beginning
24 deflecting left from said chord 24 degrees 44 minutes
25 20 seconds, along said right of way line, 41.98 feet to
26 a point on the south right of way line of Grove Street,
27 said point being 30.37 feet northwesterly of the
northeast corner of said Lot 9; thence by a deflection
left of 35 degrees 40 minutes along the south right of
way line of Grove Street as now established, a distance
of 81.63 feet to an iron pin located 146.0 feet
southeasterly from the northwest corner of said Lot 9;
thence by a deflection left of 92 degrees 34 minutes 12
seconds a distance of 58.78 feet to an iron pin; thence
by a deflection left of 15 degrees 55 minutes 08
seconds a distance of 30.89 feet to a point located
141.36 feet northeasterly of the northeast corner of
Lot 8 in Centlivre Park, Plat One; thence by a
deflection left of 103 degrees 06 minutes 20 seconds a
distance of 121.28 feet to the point of beginning,
containing 6189 square feet and subject to easements of
record.

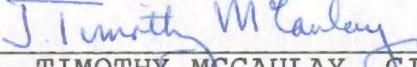
28 and the symbols of the City of Fort Wayne Zoning Map No.
29 M-18, as established by Section 11 of Chapter 33 of the Code
30 of the City of Fort Wayne, Indiana are hereby changed
31 accordingly.

32 SECTION 2. That this Ordinance shall be in full force

1 and effect from and after its passage and approval by the
2 Mayor.

3 
4 Janet G. Bradbury
5 Councilmember

6 APPROVED AS TO FORM AND LEGALITY:

7 
8 J. TIMOTHY McCAULAY, CITY ATTORNEY
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Read the first time in full and on motion by Bradbury,
seconded by Judd, and duly adopted, read the second time by
title and referred to the Committee on Regulations (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on , the , day
of , 19 , at o'clock , M., E.S.T.

DATE: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by GiaQuinta, and duly adopted, placed on its
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	—	<u>1</u>	—	—	<u>2</u>
<u>BRADBURY</u>	—	✓	—	—	—
<u>BURNS</u>	—	✓	—	—	—
<u>GiaQUINTA</u>	—	✓	—	—	—
<u>HENRY</u>	—	—	—	—	✓
<u>LONG</u>	—	✓	—	—	—
<u>REDD</u>	—	✓	—	—	—
<u>SCHMIDT</u>	—	✓	—	—	—
<u>STIER</u>	—	—	—	—	✓
<u>TALARICO</u>	—	✓	—	—	—

DATE: 6-28-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19_____,

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No. 2772

FT. WAYNE, IND.

4-13 1988

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 50.00

100 DOLLARS

AUTHORIZED SIGNATURE

3727 N. Main
Fay B.

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

DATE FILED April 13, 1988

INTENDED USE

THIS IS TO BE FILED IN DUPLICATE

I/We

R.J. Hoffmow

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-3 District the property described as follows:

Key # 91-2346-0021

Legal AttachedExw 160 ft front lot 9CrutLiver Park Plot 2 Ex St.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2727 North Clinton

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

R.J. Hoffmow5218 Bedrock CtR.J. Hoffmow

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

R.J. Hoffmow

(Name)

2727 w Clinton 46802

(Address & Zip Code)

219-483-0339

(Telephone Number)

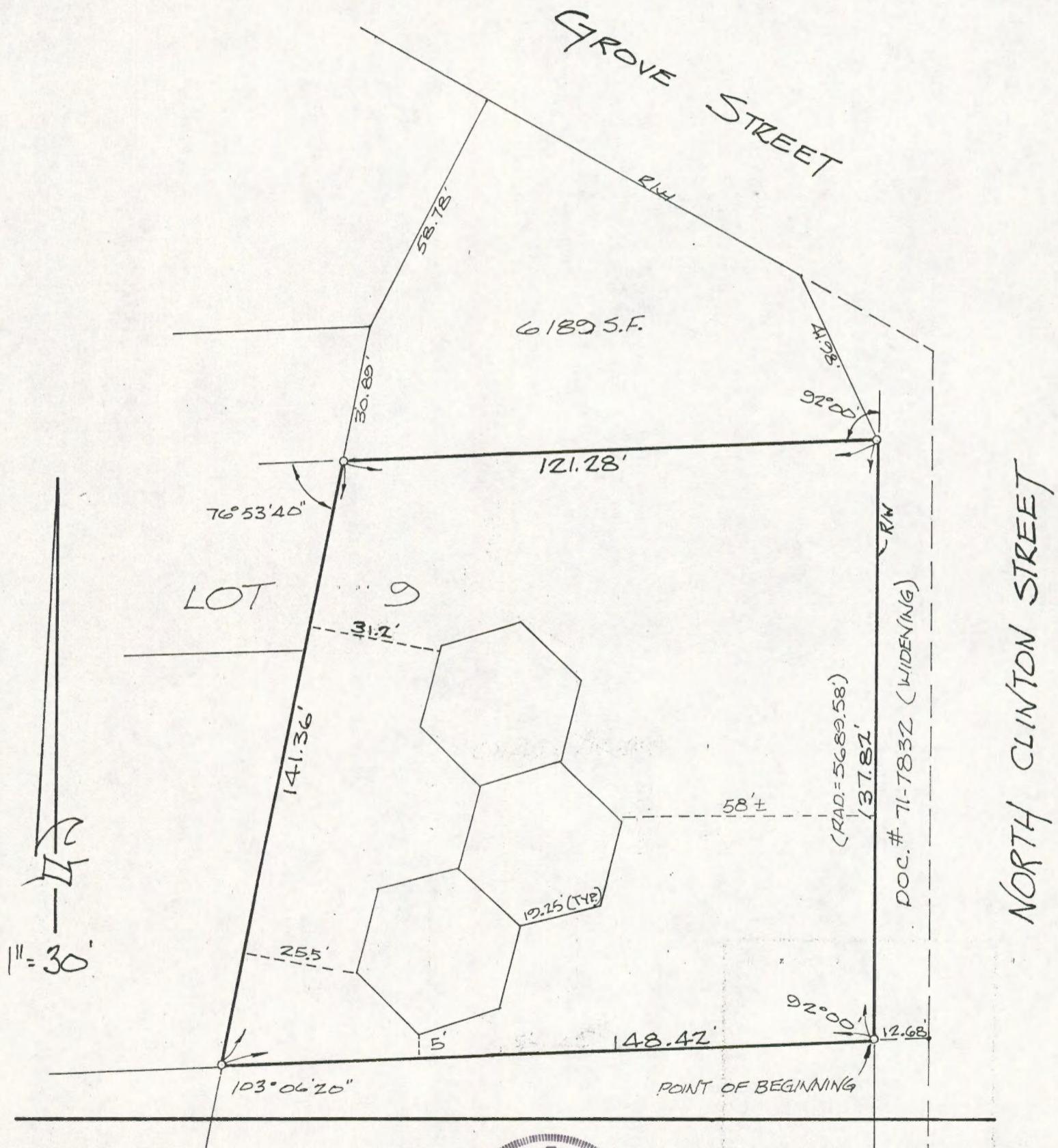
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate: see attached sheet



FOR THE EXCLUSIVE USE OF:

Rick Hoffman

DATE October 25, 1982

JOB NO. 8210-21A



Timothy F. Owens

Owens & associates

1402 EAST STATE BLVD.

FORT WAYNE, INDIANA 46805

registered
land surveyor

484-7500

CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of Allen County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

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Commencing at the southeast corner of Lot 9 in Centlivre Park, Plat Two, as recorded in Plat Book 8, page 63 in the Allen County Recorder's Office; thence Westerly along the south line of said Lot 9 a distance of 12.68 feet to an iron pin on the West right of way line of North Clinton Street as now established, said point being the point of beginning. BEGINNING at the above described point thence Northeasterly along said right of way line on a curve to the left having a radius of 5689.58 feet, an arc length of 137.82 feet, being subtended by a chord length of 137.82 feet, said chord deflects 92 deg. 00 min. right from the last described line; thence by a deflection left of 92 deg. 00 min. a distance of 121.28 feet; thence by a deflection left of 76 deg. 53 min. 40 sec. a distance of 141.36 feet to an iron pin at the northeast corner of Lot 8 in Cehtlivre Park, Plat One, said point being located 161.10 feet West of the southeast corner of said Lot 9; thence by a deflection left of 103 deg. 06 min. 20 sec. along the south line of said Lot 9 a distance of 148.42 feet to the point of beginning, containing 0.427 acres and subject to easements of record.

see attached sheet for drawing

FOR THE EXCLUSIVE USE OF:

Rick Hoffman

DATE October 25, 1982

JOB NO. 8210-21A



Timothy F. Owens

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 10, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-05-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

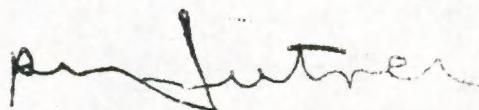
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1988.

Certified and signed this
3rd day of June 1988.



Robert Hutner
Secretary

Hold

BILL NO. Z-88-05-03

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
City of Fort Wayne Zoning Map No. M-18

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury
Mark E. Giacinta
Charles B. Redd
David C. Long
Paul M. Burns

JANET G. BRADBURY
CHAIRPERSON
MARK E. GIAQUINTA
VICE CHAIRMAN
CHARLES B. REDD

DAVID C. LONG

PAUL M. BURNS

CONCURRED IN 6-21-88.

S.E.K.
Sandra E. Kennedy
City Clerk

#348
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2727 North Clinton Street

Z-88-05-03

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-88-05-03

BILL NUMBER**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON																				
Zoning Ordinance Amendment																						
From R-2 to R-3																						
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Specific Location and/or Address 2727 No Clinton Street</td> <td style="padding: 5px;">POSITIONS</td> <td style="padding: 5px;">RECOMMENDATIONS</td> </tr> <tr> <td style="padding: 5px;">Reason for Project Professional Office</td> <td style="padding: 5px;">Sponsor Area Affected</td> <td style="padding: 5px;">City Plan Commission City Wide Other Areas</td> </tr> <tr> <td style="padding: 5px;">Discussion (Including relationship to other Council actions) 16 May 1988 - Public Hearing See Attached Minutes of Meeting 23 May 1988 - Business Meeting Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried. Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.</td> <td style="padding: 5px;">Applicants/ Proponents</td> <td style="padding: 5px;">Applicant(s) Richard Hoffman City Department Other</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Opponents</td> <td style="padding: 5px;">Groups or Individuals Chris Brown, Brookview Assn Jim Sines, Irvington Park Basis of Opposition -opposed to R-3 Zoning in area -this would set a bad precedent if rezoned</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Staff Recommendation</td> <td style="padding: 5px;"><input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -would be a spot zone -would establish precedent for other requests of similar nature</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Board or Commission Recommendation</td> <td style="padding: 5px;">By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</td> </tr> <tr> <td style="padding: 5px;">CITY COUNCIL ACTIONS (For Council use only)</td> <td style="padding: 5px;"><input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</td> </tr> </table>			Specific Location and/or Address 2727 No Clinton Street	POSITIONS	RECOMMENDATIONS	Reason for Project Professional Office	Sponsor Area Affected	City Plan Commission City Wide Other Areas	Discussion (Including relationship to other Council actions) 16 May 1988 - Public Hearing See Attached Minutes of Meeting 23 May 1988 - Business Meeting Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried. Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.	Applicants/ Proponents	Applicant(s) Richard Hoffman City Department Other		Opponents	Groups or Individuals Chris Brown, Brookview Assn Jim Sines, Irvington Park Basis of Opposition -opposed to R-3 Zoning in area -this would set a bad precedent if rezoned		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -would be a spot zone -would establish precedent for other requests of similar nature		Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
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DETAILS**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** 13 April 1988**Projected Completion or Occupancy****Date** 3 June 1988**Fact Sheet Prepared by**

Patricia Biancaniello

Date 3 June 1988**Reviewed by***Gary Barto***Date***4/9/98***Reference or Case Number**

Minutes

16 May 1988 - Public Hearing

2. Public Hearing on Zoning Map Amendment

- a. Bill No. Z-88-05-03 - Change of Zone #342
From R-2 to R-3
2727 No Clinton St

John Shoaff stated that David Wright, attorney for the Commission excused himself from considering this case due to a potential conflict of interests.

Gary Cappelli, attorney for the petitioner Richard Hoffman, appeared before the Commission. He stated that they are not asking to put multi-family on this property but instead an office. He stated that Mr. Hoffman was presently operates an office at this address. He stated that it was formerly the home of the petitioner, who is the president and chief operating officer of Kimco Leasing. He stated that Mr. Hoffman has in the past operated his business from this home and the property was purchased by him from the Calvary Temple. He stated that fortunately his business has expanded from a one man operation to an operation that now consists of 11 employees including himself. He stated 5 employees do not work out of the facility 6 employees operate out of the office. He stated that Mr. Hoffman no longer lives in the facility. He stated that the facade of the building is such that it does not necessarily connote residential, it connotes a business use. He stated the purpose for the R-3 zoning request would enable Mr. Hoffman to appeal to the BZA and ask for an office use in the R-3. He stated that this property has landscaping and buffering. He stated that on three sides of the property are located uses which are zoned R-2, one immediately behind the property is R-1. He stated that the landscaping across the entire rear of the property well exceeds the six foot minimum. He stated that the property to the north owned by Calvary Temple is running a radio station from the facility, which is somewhat commercial in nature. He stated across the street are some old stately homes, one of those homes is currently being used as a Group Home. He pointed out the expanded uses allowed in an R-3 stating that the majority would not be practical for the size of property and the structure. He stated that some of the uses such as a nursing home, which is allowed in an R-3 district would be a perfect buffer. He stated that a non-profit private club is also allowed but felt it was a fairly sedate use. He stated that he had reviewed the staff recommendation and stated he took exception the statement that the rezoning could create an undesirable precedent. He stated

Minutes

16 May 1988 - Public Hearing

that the precedent has already occurred here to the north there is a commercial facility. He stated across the street is a tire center which has been expanded. He stated there is a group home across the street. He stated that these uses are transitional uses and that is what he was talking about in this case, this is a transitional use. He stated that this is a perfect buffer between the commercial and residential. He stated that the property has parking for up to seven cars, the ordinance requires for this type of use one parking space for every 400 sq ft of gross floor area. The three buildings total less than 3,000 sq ft and they meet the off street parking requirements.

Mel Smith questioned if they would be requesting any signage.

Mr. Cappelli stated they would not.

Janet Bradbury questioned why they had not requested a POD.

Mr. Cappelli stated that the client had already applied for the R-3 prior to his involvement. He assumed he was advised by staff that the R-3 with a variance would accommodate his situation. He stated that a POD contemplates multi offices, it does not speak to the issue of single office use. He stated that they would accept a POD designation and perhaps would have advised his client to request a POD designation, that would have eliminated having to go to the BZA for approval.

Mrs. Bradbury stated she would speak to the staff about the POD because it would not permit a private club, which she was uncomfortable with.

Sharon Dossen, 2704 No Clinton Street, appeared in favor of the rezoning. Mrs. Dossen stated that they are basically very happy with Mr. Hoffman business. She stated that his property is nice looking and well maintained and they are not opposed to the request.

The following people spoke in opposition to the proposed rezoning request:

Chris Brown, president of the Brookview Civic Association
Jim Sines, Irvington Park Association
Jim Houlihan, 2713 No Clinton St
Scott Simmons
Bill Hinga, 2740 Eastbrook Drive

Minutes

16 May 1988 - Public Hearing

The opposition stated that they were not opposed to Mr. Hoffman or his business as it is presently being operated. They stated they were opposed to the rezoning and the uses that it would open the area up to. They also felt it would set a precedent for other businesses to come into the area. They stated that they wanted to protect the integrity of their neighborhood.

Mr. Cappelli in rebuttal stated that everyone has no objection in the abstract sense of Mr. Hoffman continuing his business pursuits at this facility. He stated that the business hours are 8 am to 5 pm with no additional activity beyond that time. He stated his staff is clerical, there is no product sold from the facility. He stated that this area has changed over a period of years. He stated that they feel this is a perfect opportunity or way of compromising on this issue. He stated they are asking for an R-3 but would accept a POD. He stated that there is no commercial zoning uses allowed in an R-3 district. He stated that it is a small step beyond the R-2 district. He further stated that the size of the property limits the size of any use. He stated this is a perfect transitional use and they feel that is why this is an appropriate request.

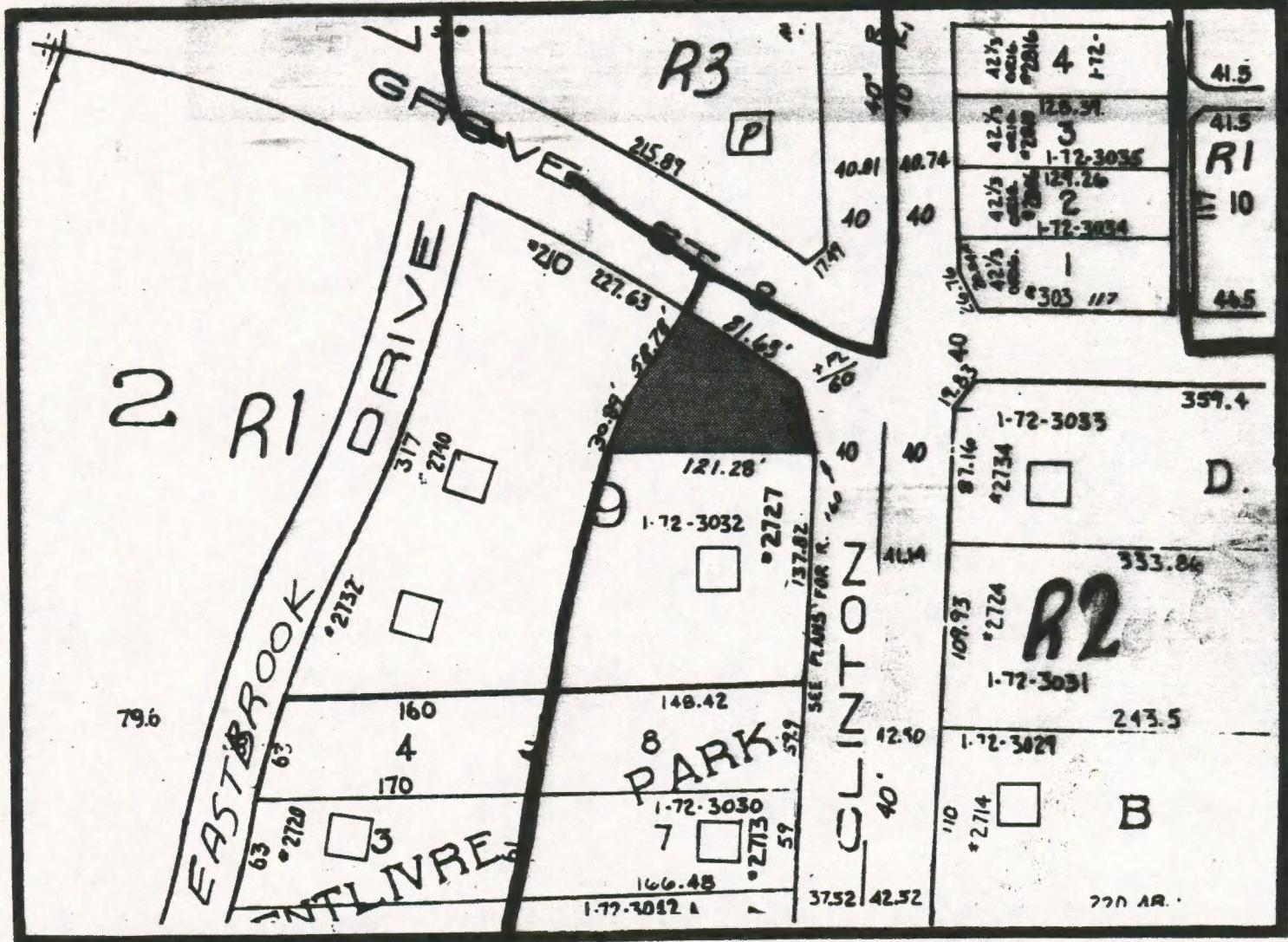
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #342

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A R2 DISTRICT TO A R3 DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT

LAND USE:

- SINGLE FAMILY
 PUBLIC

SCALE: 1"=100'

DATE: 4-28-88

